

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

*In re Revlimid & Thalomid Purchaser Antitrust
Litigation*

Lead Case No. 19-cv-7532-ES-MAH

This Document Relates To:

Case No. 21-cv-11686-ES-MAH

CIGNA CORP.,

Plaintiff,

v.

CELGENE CORPORATION AND BRISTOL-
MYERS SQUIBB COMPANY,

Defendants.

HON. ESTHER SALAS, U.S.D.J.
HON. MICHAEL A. HAMMER,
U.S.M.J.

**STIPULATION TO WITHDRAW PLAINTIFF CIGNA CORPORATION'S MOTION
TO COMPEL TEVA PHARMACEUTICALS USA, INC. AND NATCO PHARMA,
INC. TO COMPLY WITH THIRD-PARTY SUBPOENAS**

Plaintiff Cigna Corporation ("Cigna") and Non-Parties Teva Pharmaceuticals USA, Inc. ("Teva") and Natco Pharma, Inc. ("Natco," and together with Teva, the "Respondents"), by and through their respective counsel, respectfully stipulate and move as follows:

WHEREAS, Plaintiff filed an action against Celgene Corporation and Bristol-Myers Squibb Company ("Defendants") alleging, among other things, that Defendants had entered into an anticompetitive settlement agreement with Respondents in violation of federal antitrust laws;

WHEREAS, on February 10, 2023, Plaintiff served a valid subpoena *duces tecum* on Respondents, who are non-parties in Plaintiff's action, *see* Dkt. #164, requesting production of *inter alia*, all documents related to the settlement agreement between Respondents and Defendants;

WHEREAS, on February 21, 2023, Respondents asserted that they would wait to respond to Plaintiff's subpoena until the Court ordered discovery to proceed as to them in the consolidated cases, consistent with this Court's directives;

WHEREAS, Plaintiff then offered to extend the deadline for Respondents to respond to its subpoena until April 1, 2023;

WHEREAS, on April 21, 2023, Plaintiff filed its Motion to Compel Production of Documents from Respondents (*See generally* Dkt. # 164);

WHEREAS counsel for Plaintiff and counsel for Respondents have met and conferred in an effort to resolve the motion to compel for purposes of this stage of the litigation;

WHEREAS Plaintiff and Respondents agree to make a good faith effort to begin negotiating the scope and parameters for discovery of Teva and Natco by all Plaintiffs in the consolidated actions without delay; and,

WHEREAS Plaintiff and Respondents further agree that each reserves all rights and/or objections regarding the requests for and production of documents related to Plaintiff's action against Defendants;

Plaintiff hereby withdraws its Motion to Compel Compliance with Third-Party Subpoenas (Dkt. # 164) without prejudice.

• The Clerk of Court shall terminate the motion to compel docketed as D.E. 164.

As Ordered.
Michael J. Harman,
JSD
5/2/2023

Dated: May 1, 2023

Respectfully submitted,

By: /s/ Peter St. Phillip

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